

REMARKS/ARGUMENTS

Applicant's undersigned representative would like to thank the Examiner for granting the personal interview conducted on May 5, 2004.

Initially, as discussed in the interview, Applicants respectfully submit that the Office Action was prematurely made final. Claims 6-17 were rejected on new grounds. However, none of these claims were amended subsequent to the prior Office Action. Thus, the new grounds of rejection were not necessitated by Applicant's amendment, and therefore the present rejection should not be made final. For this reason, Applicant respectfully requests that the finality of the rejection be withdrawn and the present amendments be entered as a matter of right.

Further, as discussed in the interview, the claims have been amended to better distinguish from the prior art. Specifically, independent claims 6, 11, 12, 17 and 20 were each amended to essentially require that the fitting calculator unit is connected to the hearing device *exclusively* by a bidirectional interface, and that the rating unit is connected to the fitting calculator unit *exclusively* by the bidirectional interface.

Further, a new independent claim 25 has been added based upon the Examiner's suggestion requiring that the said rating unit is *directly* linkable to the fitting calculator unit and the calculator unit is *directly* linkable to the hearing device via the bidirectional interface unit.

Therefore, for the reasons discussed in the interview, and as explained in detail below, each of the claims is now allowable over the prior art of record.

Claims 20-24 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 20-24 have been amended appropriate to obviate the rejection.

Claims 6, 8-9, 11-12, 14-15, 17 and 19 were rejected under 35 U.S.C. 102(e) over U.S. Patent No. 6,058,197 to Delage. Claims 6, 11, 12 and 17 have been amended to better distinguish from Delage,

and thus for the following reasons the rejection has been rendered moot.

Regarding amended claim 6, Delage does not teach a “bidirectional interface unit *exclusively* providing for transfer of information contained in a setting signal at the setting signal output of the fitting calculator unit to the setting input of the hearing device,” as required. The Examiner cites the communications medium (24) in Delage as a bidirectional interface. For information to be transferred from the personal computer (20) (cited by Examiner as a fitting calculator unit) to the hearing aid (36), it must travel through the communications medium (24), through the serial hardware interface (28), through various protocol drivers (40, 42, 44), then through the hand-held hearing aid hardware, and finally to the hearing aid (36). Clearly in Delage, in contrast to the claimed invention, the transfer of information is not exclusively provided by the communications medium (24) as a bidirectional interface. Since every limitation of claim 6 is not taught by Delage, claim 6 and its dependent claims 8 and 9 are patentable over the prior art of record.

Regarding amended claims 11 and 17, Delage does not teach “calculating setting values by said fitting calculator unit” and “performing communication of . . . said setting values to said hearing device *exclusively* via a bidirectional interface,” as required. As explained above with regard to claim 6, information from the personal computer (20) is *not exclusively* transferred to the hearing aid (36) by the communications medium (24). Since every limitation of claims 11 and 17 are not taught by Delage, claims 11 and 17 and dependent claim 19 are patentable over the prior art of record.

Regarding amended claim 12, Delage does not teach that a “setting signal output of said calculator unit is linkable to said setting input of said hearing device at said individual *exclusively* via a bidirectional interface unit,” as required. As explained above with regard to claim 6, the personal computer (20) is *not exclusively* linkable to the hearing aid (36) by the communications medium (24) since there are numerous intervening components. Since every limitation of claim 12 is not taught by

Delage, claim 12 and dependent claims 14 and 15 are patentable over the prior art of record.

Claims 7, 10, 13 and 16 were rejected under 35 U.S.C. 103(a) over Delage in view of U.S. Patent No. 6,286,073 to Vegter. Claims 7 and 10 depend from claim 6 and claims 13 and 16 depend from claim 12. As explained above, claims 6 and 12 have been amended to better distinguish from Delage. Vegter does not teach or suggest the limitations of which Delage is deficient. Therefore, for the reasons explained above with regard to claims 6 and 12, claims 7, 10, 13 and 16 are patentable over the prior art of record.


In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 32771US1.

Respectfully submitted,

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Date: June 16, 2004